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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,426	01/18/2001	Shmuel Shaffer	062891.0522	7033

7590 05/12/2004  
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EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

of

# Office Action Summary

Application No.

09/766,426

Applicant(s)

SHAFFER ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Application Number 09/766426 received 18 January 2001.
2. Claims 1-22 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bales et al. (U.S. Patent Number 5,369,694).

3. Regarding claims 1, 6, 10, and 14, Bales discloses an apparatus and method for conducting a transfer of a conference call, comprising:

an interface operable to couple to a communication network (Bales, Fig. 1, Bales teaches each client using a station set, operable to couple to a communication network);

receiving a message at a media gateway to transfer a conference call from a first call resource to a second call resource (Bales, Fig. 5, 501);

transferring the conference call from the first call resource to the second call resource based on the message (Bales, Fig. 5, 512); and

communicating a prompt to the clients during the transfer of the conference call if the message indicates a change in the number of clients participating in the conference call, the prompt operable to mask the transfer of the conference call between the first and second call resources (Bales, col. 9, lines 1-5, Bales teaches notify messages sent to other station sets on the conference call, advising them that a new station set is now part of the conference).

4. Regarding claims 2, 7, 11, and 15, Bales discloses the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein

receiving the message at the media gateway to transfer the conference call from the first call resource to the second call resource comprises a request from an additional client to join the conference call (Bales, Fig. 5, 501); and

the prompt indicates that the additional client has joined the conference call (Bales, col. 9, lines 1-5).

5. Regarding claims 3, 8, 12, and 16, Bales discloses the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein

receiving the message at the media gateway to transfer the conference call from the first call resource to the second call resource comprises a request from one of the clients participating in the conference call to exit the conference call (Bales, col. 9, lines 15-25); and

the prompt indicates that the one client has exited the conference call (Fig. 9, 902).

6. Regarding claims 4, 9, 13, and 17, Bales discloses the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein receiving the message at the media gateway to transfer the conference call from the first call resource to the second call resource comprises a request to initiate an additional conference call on the first call resource (Bales, col. 3, lines 24-55); and if the message does not indicate the change in the number of clients, the conference call is transferred in response to detecting a period of silence in the conference call (Bales, col. 3, lines 60-65, Bales teaches a set station going off the hook on the line appearance and then is automatically placed in the conference).
7. Regarding claim 5, Bales discloses the features of the invention, substantially as claimed, as described in claim 1, including wherein the conference call comprises packets of voice information (Bales, col. 4, lines 35-40).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bales in view of Kung et al. (U.S. Patent Number 6,671,262).

8. Regarding claim 18, Bales discloses a method for conducting a transfer of a conference call, the method comprising receiving a message at a media gateway to transfer a conference call from a first call resource to a second call resource (Bales, Fig. 5, 501). Bales also teaches transferring the conference call from the first call resource to the second call resource based on the message (Bales, Fig. 5, 512).

Bales does not disclose introducing a delay in a selected one of a first mixed media stream and a second mixed media stream to synchronize the first mixed media stream and the second mixed media stream; and

Even though Bales does not explicitly state using a delay to synchronize the streams, it is obvious to one in the ordinary skill in the art at the time of the invention to include synchronizing the streams with proper delay in order for clients to communicate with an understanding of each other.

In an analogous art, Kung discloses a conference server which includes a de-jitter buffer which adapts to delay variations in the network (Kung, col. 12, lines 45-60). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of Bales with the system of Kung in order to combine the channels of different clients, using a delay to synchronize their streams in order for clients to communicate with an understanding of each other. This combination will provide a system allowing station sets to communicate through conference calls with minimal delays.

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9. Regarding claims 19-21, Bales and Kung teach the limitations, substantially as claimed, as described in claim 18, including receiving, at the media gateway, streams generated by first and second call resources (Kung, col. 30, lines 53-55)

analyzing the first and second mixed media streams to determine the delay between the first and second mixed media streams (Kung, col. 12, lines 45-60, Kung teaches the system adapting to delay variations in the network, therefore analyzing the delays).

adding delay to the first/second call resource (Kung, col. 12, lines 45-60, Kung teaches the system adapting to delay variations in the network, therefore adding delay to whichever call resource needs it); and

receiving, at the media gateway, the first/second mixed media stream with the added delay (Kung, col. 30, lines 50-60, Kung explains the mixed streams utilizing only so much bandwidth).

10. Regarding claim 22, Bales and Kung teach the limitations, substantially as claimed, as described in claim 18, including wherein the first and second mixed media streams comprise packets of voice information (Kung, col. 12, lines 10-20).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison  
Patent Examiner  
Art Unit 2143



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